

## **SERVICE ANIMALS IN COUNTY FACILITIES**



### **Q: What is a service animal?**

A: Title II of the Americans with Disabilities Act (ADA) was revised in September 2010. These revisions include a change in the definition of a service animal. Effective March 15, 2011 the definition of a service animal is any dog individually trained to perform a task or do work to assist an individual with a disability.

Here is the full definition from the revised ADA Regulations Implementing Title II ([http://www.ada.gov/regs2010/titleII\\_2010/titleII\\_2010\\_integrated.htm](http://www.ada.gov/regs2010/titleII_2010/titleII_2010_integrated.htm), §35.104):

*Service animal* means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the handler's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.

The revised ADA regulations also require jurisdictions to develop a policy to permit the use of miniature horses trained to perform a task or to do work to assist an individual with a disability. Although it is unlikely that this will be an issue in our area, the County will develop a policy and inform departments once that policy is complete. In the interim, please contact the ADA Office at 240-777-6197 for assistance.

The Fair Housing Act, rather than the ADA, applies to housing providers. The federal Department of Housing and Urban Development enforces the Fair Housing Act and has not made any change in the definition of service animal. In housing situations, the broader definition of *service animal* (Regulations published in 1994) is still in force:

... any guide dog, signal dog, or other animal individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.

**Q: How can one tell if an animal is really a service animal and not just a pet?**

A: Service animals are not required to be certified, to have identification papers, or to wear special collars or harnesses. If County personnel are not certain that an animal is a service animal, there are only two questions that may be asked: Is the dog a service animal required because of a disability? What has the dog been trained to do? Generally one may not ask the individual for any proof of disability or ask any questions about their particular disability.

**Q: What must be done when an individual with a service animal comes to a County office?**

A: The service animal must be permitted to accompany the individual with a disability to all areas in the facility where customers are normally allowed to go. An individual with a service animal may not be segregated from other customers.

**Q: Are County personnel responsible for the animal while the person with a disability is in their office?**

A: No. The care or supervision of a service animal is solely the responsibility of his or her owner. The County worker is not required to provide care, food, or a special location for the animal.

**Q: What if a service animal barks or growls at other people or otherwise acts out of control?**

A: Any animal, including a service animal, may be excluded from a facility when that animal's behavior poses a direct threat to the health or safety of others. For example, any service animal that displays vicious behavior towards other customers may be excluded. County personnel are not permitted to make assumptions, however, about how a particular animal is likely to behave based on past experience with other animals. Each situation must be considered individually.

Although a County agency may exclude any service animal that is out of control, it should give the individual with a disability who uses the service animal the option of continuing to use its programs or services without having the service animal on the premises.

**Q: At a County pool, there is a no-pets policy, but a resident wants to bring his service dog to the pool. Can the staff refuse to admit the service animal?**

A: No. Except in a very limited number of situations, a service animal is welcome to accompany the person with a disability into any County program or facility. In the case of a swimming pool, the service animal may accompany the resident to the deck of the pool and can remain there until the resident exits the pool. For more information on service animals, please contact the ADA Compliance Office at 240-777-6197.

**Q. Is it all right to pet or feed another person's service animal?**

A: No. These are animals at work and must not be distracted from their tasks.

**Q. What about service animals in training?**

A: Under Maryland law, a service animal trainer may accompany a service animal in training into any facility where a person with a disability would be permitted to bring a service animal. Service animals in training may only be excluded if there would be a clear danger of disturbance or physical harm to those in the facility.